

6019. Adulteration and misbranding of milk chocolate. U. S. \* \* \* v. Moses L. Blumenthal, Aaron Blumenthal, Joseph Blumenthal, Abraham Blumenthal, Jacob Blumenthal, and Myer Blumenthal (Blumenthal Bros.). Plea of guilty. Fine, \$50. (F. & D. No. 8502. I. S. No. 4109-m.)

On January 9, 1918, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Moses L. Blumenthal, Aaron Blumenthal, Joseph Blumenthal, Abraham Blumenthal, Jacob Blumenthal, and Myer Blumenthal, copartners, trading as Blumenthal Bros., Philadelphia, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 27, 1917, from the State of Pennsylvania into the State of Maryland, of a quantity of an article, labeled in part, "Moo-Cow Pure Sweet Milk Chocolate," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Sucrose (per cent)-----	51.1
Lactose (per cent)-----	2.9
Fat (per cent)-----	29.0
Reichert Meissl no. of fat-----	1.1
Butter fat (per cent)-----	0.74
Casein (per cent)-----	2.15
Milk solids (per cent)-----	6.6

This product does not contain sufficient milk solids to entitle it to the name of milk chocolate.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, sweet chocolate, which contained an inappreciable amount of milk, had been substituted in whole or in part for sweet milk chocolate, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Sweet Milk Chocolate," borne on the packages containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was sweet milk chocolate, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was sweet milk chocolate, whereas, in truth and in fact, it was not, but was a product composed of sweet chocolate which contained an inappreciable amount of milk.

On January 17, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$20.

CARL VROOMAN, *Acting Secretary of Agriculture.*